

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JEANETTE RYAN,
Plaintiff,

v.

PAYCHEX, INC.,
Defendant.

:
:
:
:
:
:
:

3:08-cv-1151 (WWE)

**RULING ON DEFENDANT’S MOTION TO
DISMISS AND/OR STRIKE PLAINTIFF’S COMPLAINT**

This civil action was commenced with the filing of a 34-page, 117-paragraph complaint alleging that plaintiff Jeanette Ryan was discriminated and retaliated against in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621, et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. Plaintiff also asserts a claim for intentional infliction of emotional distress. Defendant has filed a motion to dismiss and/or strike plaintiff’s complaint under rule 12(f) of the Federal Rules of Civil Procedure (Doc. #9). For the reasons that follow, the Court will deny defendant’s motion.

Rule 12(f) of the Federal Rules of Civil Procedure provides that, upon motion, a court may strike “any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter” from a pleading. In considering a motion to strike, the court does not examine the merits of the action, but merely determines whether any matter contained in the pleading itself was improperly included. Because pleadings are to be construed liberally, motions to strike generally are not favored and will be granted only upon a showing that the allegations in question have no possible bearing on the subject

matter of the litigation. Schramm v. Krischell, 84 F.R.D. 294, 299 (D. Conn. 1979).

Plaintiff's complaint is not the epitome of a properly structured pleading. It is long and suffers from numerous grammatical errors. In addition, certain sections are repetitious and contain materials that exceed the requirements for what must be included under Federal Rule of Civil Procedure 8. That said, the Court cannot find that it is so redundant or replete with immaterial allegations to warrant that the complaint is dismissed or stricken. See Salahuddin v. Cuomo, 861 F.2d 40, 42 (2d Cir. 1988).

CONCLUSION

For the foregoing reasons, defendant's motion to dismiss and/or strike plaintiff's complaint (Doc. #9) is DENIED.

Dated at Bridgeport, Connecticut, this 5th day of November, 2008.

/s/

Warren W. Eginton
Senior United States District Judge